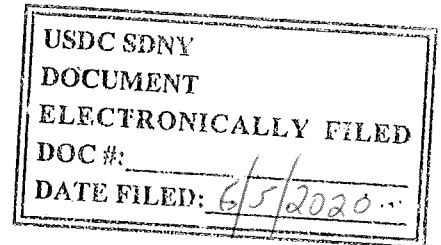


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
UNITED STATES OF AMERICA,

v.

HARBIR PARMAR,

Defendant.
-----X

ORDER

18 CR 877 (VB)

By Order dated May 22, 2020 (Doc. #33), the Court denied without prejudice defendant Harbir Parmar's May 4, 2020, motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (See Doc. #29), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied and the government advised the Court it was not willing to waive the exhaustion requirement. (See Doc. #32).

On June 4, 2020, defendant filed a letter with attachments, which show that on some date prior to April 27, 2020, defendant made an application to the warden of his facility for compassionate release under Section 3582(c)(1)(A)(i), and that on April 27, 2020, the warden responded to defendant's request. (Doc. #34).

Thirty days following the warden's April 27, 2020, response to defendant's compassionate release application would be May 27, 2020. Accordingly, more than thirty days have lapsed since the warden's receipt of defendant's application. For this reason, defendant's motion, if filed today, would be timely under Section 3582(c)(1)(A). In consideration of defendant's pro se status, and the fact that he is in custody, rather than require defendant to re-file his motion for a reduction of sentence, the Court deems the motion re-filed as of today.

Accordingly, by June 22, 2020, the government is directed to file its response to defendant's motion. (Doc. #29). The government is directed to address the merits of the motion.

Chambers will mail a copy of this Order to defendant at the following address:

Harbir Parmar, Reg. No. 86212-054
FCI Fort Dix
P.O. Box 2000
Joint Base MDL, NJ 06840

Dated: June 5, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.